

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

ANGELA DENISE NAILS,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action Number
)	7:05-cv-486-UWC
SANDPIPER APARTMENTS,)	
)	
Defendant.)	
)	

**MEMORANDUM OPINION ON DEFENDANT'S MOTION TO DISMISS FOR
LACK OF SUBJECT MATTER JURISDICTION**

Plaintiff, Angela Denise Nails, who has elected to proceed *pro se*, initiated this action on March 28, 2005, against defendant Sandpiper Apartments.¹ In her complaint, Ms. Nails alleges that she:

applied for an apartment with Sandpiper Aparts in Carrollton, Ala and was denied through unfavorable Criminal background check when this was not a fact that was true at the time. [sic]

(Doc. 1, Compl. ¶ 4.) She seeks an injunction requiring defendant to rent her an apartment and a judgement against defendant for \$500,000.

When Ms. Nails initiated this action, she used the Northern District of Alabama's "General Complaint From for Pro Se Litigants." On that form, plaintiffs are required to provide residency information. Ms. Nails provided the following:

¹ Carrollton Housing Ltd d/b/a Sandpiper Apartments.

At all times hereinafter mentioned, plaintiff was and still is a reside of: "I am not a tentant at 915 1st Ave S.E. #7 Aliceville, Ala.." Plaintiff resides at: "I have no address now (You may use attorney Jones address) I am moving out of state." [sic]

(*Id.* ¶ 1.) Ms. Nails lists the official address of the Defendant as 100 Sandpiper Street, Carrollton, Ala. 354447.

Finally, on the *pro se* Complaint form, question 3 asked plaintiff to provide information from which the Court might determine whether it has jurisdiction. On the form completed by Ms. Nails, she left blank question 3 which reads:

The jurisdiction of this court is invoked pursuant to

_____.

(*Id.* ¶ 3.) Therefore, Ms. Nails' Complaint failed to allege a basis for the existence of federal jurisdiction. Further, it is clear from the pleadings that diversity of citizenship does not exists.

Defendant has filed a "Motion to Dismiss For Lack of Subject Mater Jurisdiction." (See Doc. 5.)

Upon careful consideration of Defendant's motion and careful review of the Complaint, Defendant's motion is due to be GRANTED. By separate order, Defendant's Motion To Dismiss will be granted and the case dismissed.

Done this 18th day of May, 2005.



U.W. Clemon
Chief United States District Judge